

*The following comment transcription is from oral testimony taken April 6, 2016 at a public hearing held at the CenterPlace Event center, 2426 North Discovery Place, Spokane Valley, WA 99216.*

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The Spokane Riverkeeper is a project with the Center of Justice. And we are an affiliated member of the Water Keeper Alliance. We work to protect and restore the world's waters so they are healthy and usable by communities that interact with them. As such, the Spokane Riverkeeper's stated mission is keeping the Spokane River fishable and swimmable.

The rule change that the Washington Department of Ecology has proposed takes several steps in the right direction but fall short in helping us keep our Spokane River fishable for the public. Ecology's proposed rule has improved the fish consumption formula over the existing rule. The formula seems a more realistic consumption rate of 175 grams of fish per day while keeping the acceptable human health risk at one case of cancer in a million fish eating residents. These standards would make Washington's waters cleaner and its fish safer to eat.

We commend Ecology for listening to the public and changing their proposed rules to be more realistic and more protective of human health. However, we encourage Ecology to review and revise their rule with regards to mercury, PCBs and arsenic. The proposed rule is not strong enough with regards to these toxins. All these toxins bio-accumulate and bio-magnify in the food chain in such a way that makes Spokane River fish problematic to consume.

In some cases fish in the Spokane River are edible under the specific amounts and frequencies recommended in Department of Fish - Department of Health Fish Advisories. But depending on the age, species and river reach, many other types of fish are too toxic to eat. The standards for PCBs are still exceeded, still exceeded in some fish. And a statewide mercury advisory remains in place making their consumption extremely problematic for pregnant women, children and folks who for cultural and economic reasons consume far more than the recommended allowance.

Currently the EPA has put forward PCB standards that are more protective and more up-to-date. We feel strongly that the EPA guidelines should be followed. Additionally, we feel the EPA standards for both arsenic and methylmercury should be adopted. We understand that these toxins are tough to capture but feel strongly that inaction is not a solution. Using the older National Toxics Rule criteria is not adequate and leaves the public vulnerable to higher levels of these toxins over time.

The proposed rule increases time frames for compliance schedules, which is unacceptable. Using the language as soon as possible when referring to must meet water quality standards is too idealistic and vague. Their rule should require concrete time limits for dischargers to meet state standards to ensure accountability that our waters are clean.

The increased availability and/or potential use of variances in the proposed rule is unacceptable. Ecology policy should be pushing dischargers to lower the output of dangerous chemicals at the end of pipe. Precisely because the nature and the amount of the pollution in the water body can be excessive and challenging.

Ecology should not be providing offerings from meeting existing standards or providing the designated tenable uses. Also, do not provide intake credit. Incentives should be developed to capture all pollutants coming through the system that end up in our waters. Please construct policies that create net decreases in pollutants leaving the end of pipes in order to encourage dischargers to work towards cleaning up Washington's waters.

These comments are made with the idea that we should be working towards the ultimate elimination of discharge to our nation's rivers. Ecology's proposed rule making should help us get there. Please do not provide provisions that stall our progress or avoid the tough work of getting our public water fishable and swimmable.

Thank you for the opportunity to comment.